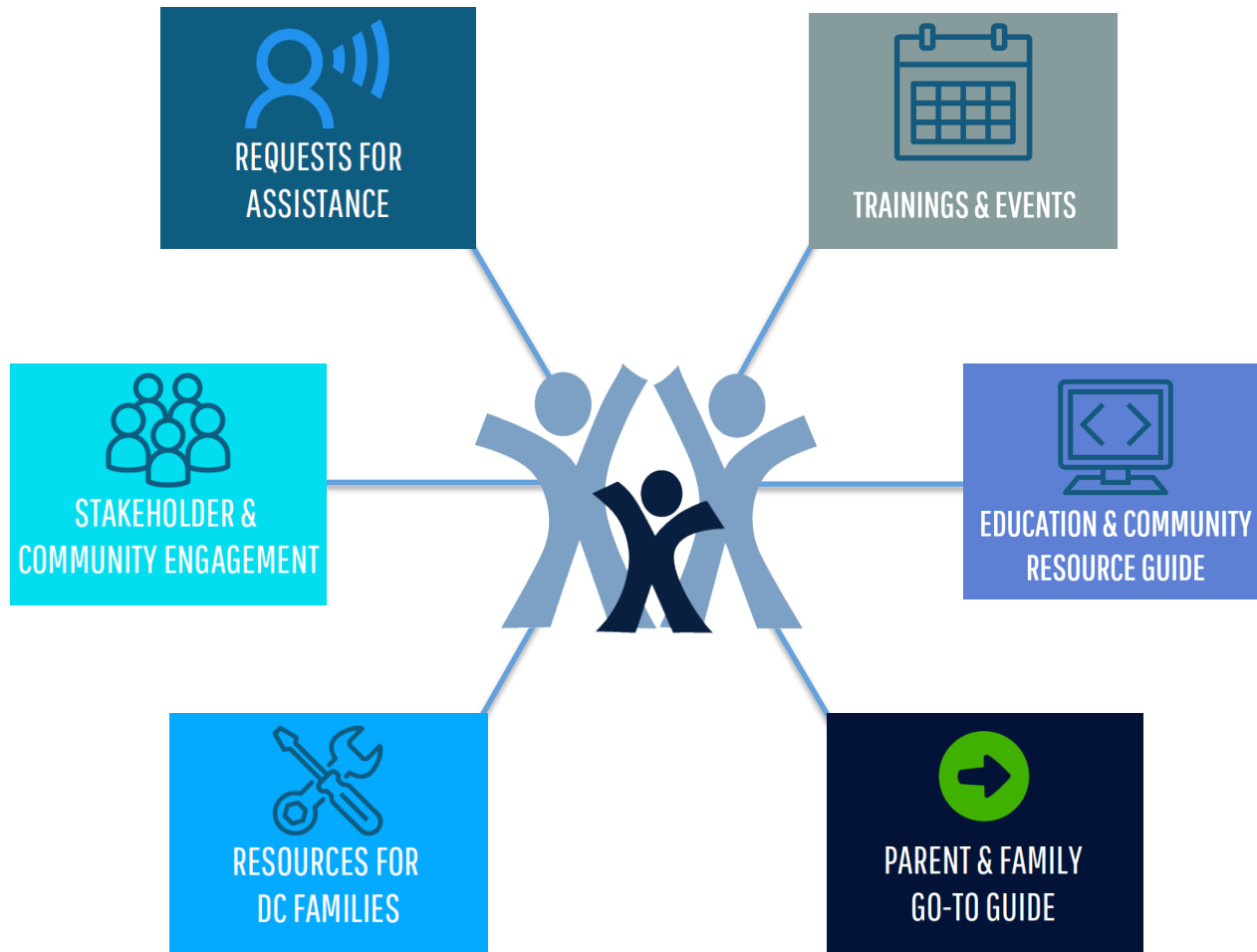


Transforming Emotions to Effective Advocacy

*Understanding the Issues
Surrounding Special Education
Rights in the District of Columbia*

Our Office



Purpose

INFORM

- to inform families about special education and their rights

CONNECT

- to connect families to resources, supports, and organizational/government stakeholders

EMPOWER

- to equip families with tools and supports to be their student's best advocate

Presentation Overview

- What is Special Education
- DC Special Education Landscape
- The Laws that Govern: Brief Overview of Laws that Protect Students with Disabilities
 - » IDEA
 - » FAPE
- Parent & Student Rights
- Understanding the Process: IEPs
- Questions & Resources

What is Special Education?

"Special education is instruction that is specially designed to meet the unique needs of children with disabilities. Special education and related services are provided in public schools at no cost to parents and can include special instruction in the classroom, at home, in hospitals or institutions, or in other settings."

The Landscape in DC

roughly
14%

Students who receive special education and related services (vs. 13% national average)

approx.
8,000

Special education students in traditional DC public schools (DCPS)

approx.
5,000

Special education students in DC public charter schools

**Learning
Disability**

Most common disability type

Inclusion

Most students in special education spend most of their day in general education classes

Data from DC Action for Children

Overview of Special Education Law

Three federal laws guarantee the rights of students with disabilities:

1. Americans with Disabilities Act (ADA)

2. Section 504 of the Rehabilitation Act ("Section 504")



504 Plan

3. Individuals with Disabilities Education Act ("IDEA")



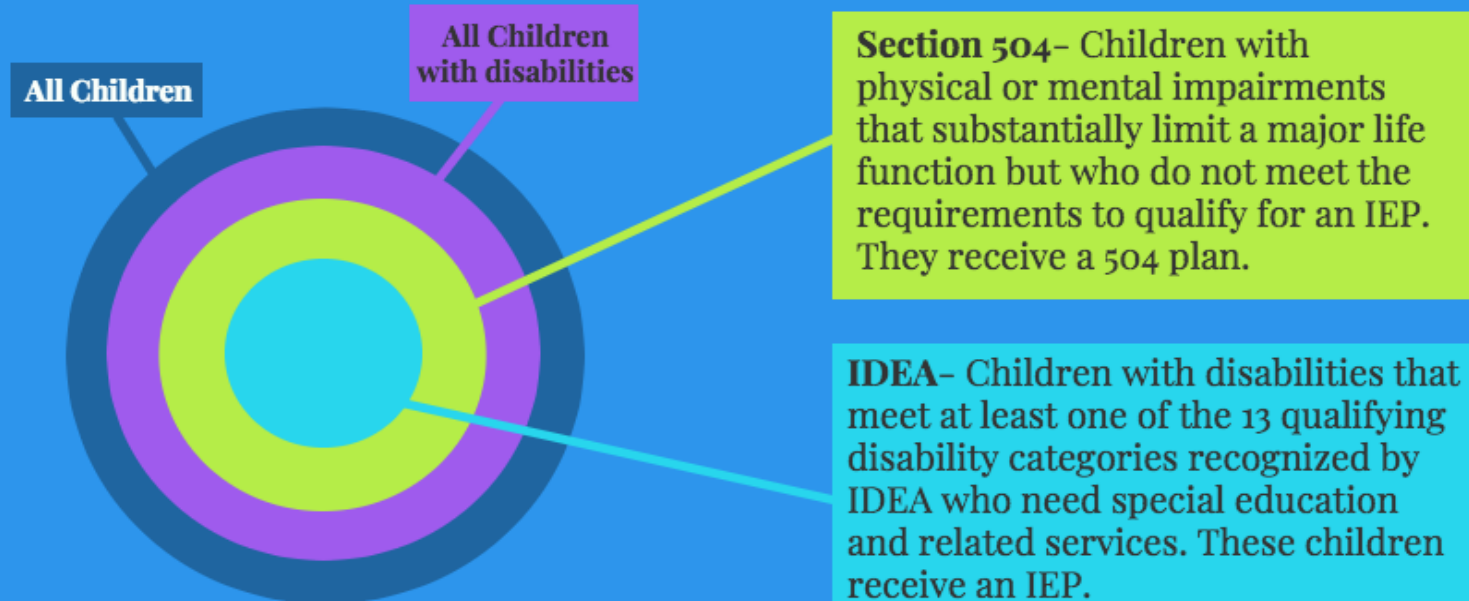
IEP

*DC also has local laws and regulations that provide additional rights to students with disabilities.

Section 504 & IDEA

At-a-Glance

Eligibility for Section 504 and IDEA



What is "FAPE"?

IDEA guarantees eligible students the right to FAPE, a Free Appropriate Public Education. Children eligible for a 504 plan or an IEP are entitled to FAPE.

For the education provided to meet FAPE requirements, it must be individualized to the student's needs and appropriate to help the student make meaningful progress.

Parent and Student Rights Under DC Law

In 2014, DC Council passed a legislative package that overhauled special education. This legislation includes: Special Education Student Rights Act, Enhanced Special Education Services Act, and Special Education Quality Improvement Act.

① Special Education Student Rights Act

- Right to copies of evaluation & draft IEPs 5 business days before meeting
- Right to observe child in current placement & observe proposed placement
(can also have someone do this on parent's behalf)
- Right to copies of final IEPs within 5 business days after meeting

② Enhanced Special Education Services Act

- Children referred for special education evaluation must be evaluated within 60 days from parent consent or 90 days from referral

③ Special Education Quality Improvement Act

designed to provide clear responsibility and increased oversight for more effective special education programs

Child Find

Child Find is the process that ensures all children with disabilities and in need of special education and related services are identified, located, and evaluated.

Depending on the child's age, responsibility shifts from different agencies:

Age/Grade Level	Agency Responsible
Birth to 2 1/2 years old	OSSE: Strong Start
2 1/2 years old to Kindergarten	DCPS Early Stages or charter PK providers
1st Grade through High School	LEA & Individual School <small>(with support from OSSE, if needed)</small>

LEAs Defined

An LEA is “...a public authority legally constituted within a state for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a state, or for a combination of school districts or counties that is recognized in a state as an administrative agency for its public elementary schools or secondary schools.”

Source: Definitions, U.S. Department of Education. <https://www.ed.gov/race-top/district-competition/definitions>

DC Public Schools (DCPS)

&

individual public charter networks

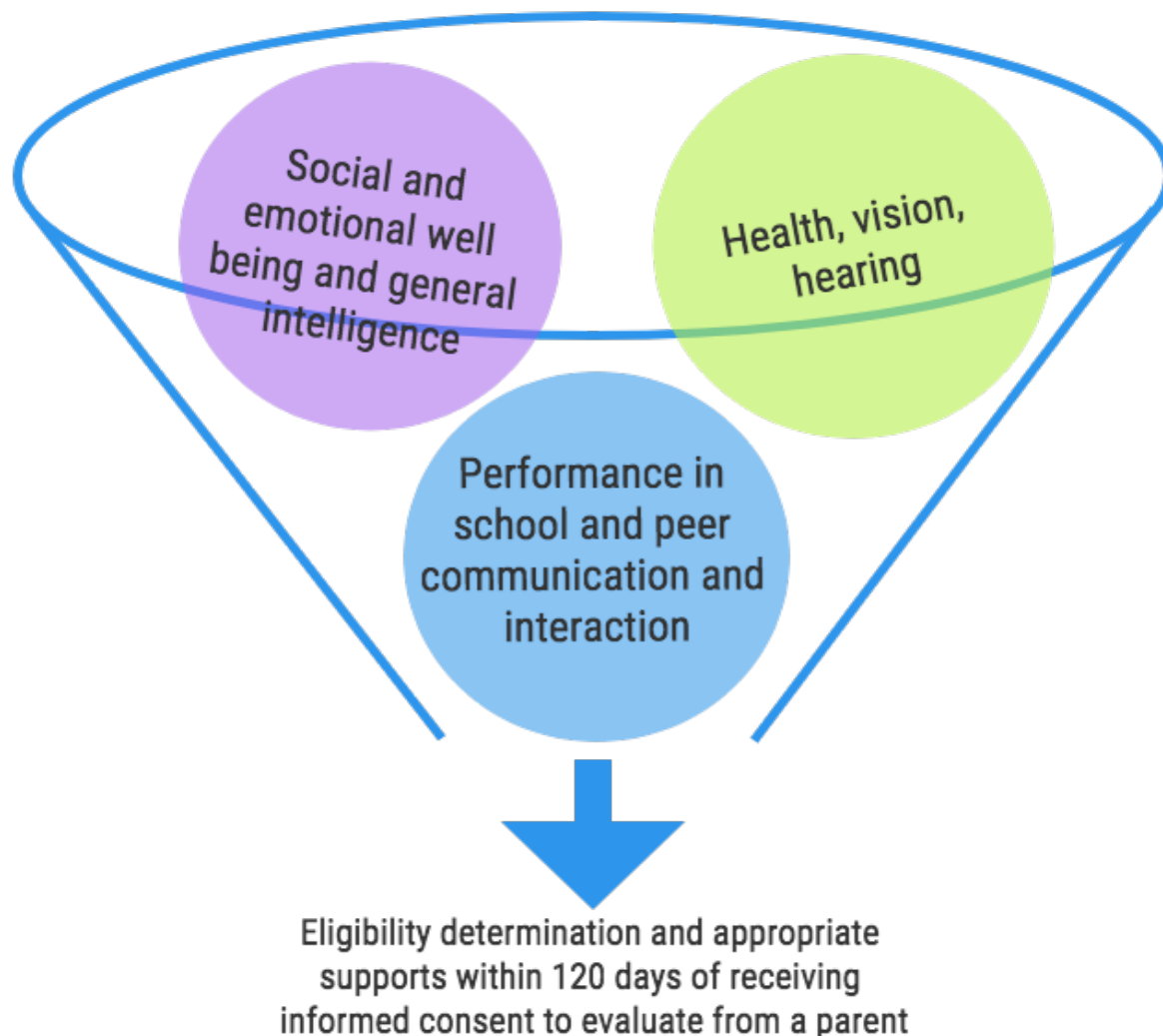
(i.e. KIPP, Friendship, or DC Prep)

are local education agencies or school districts.

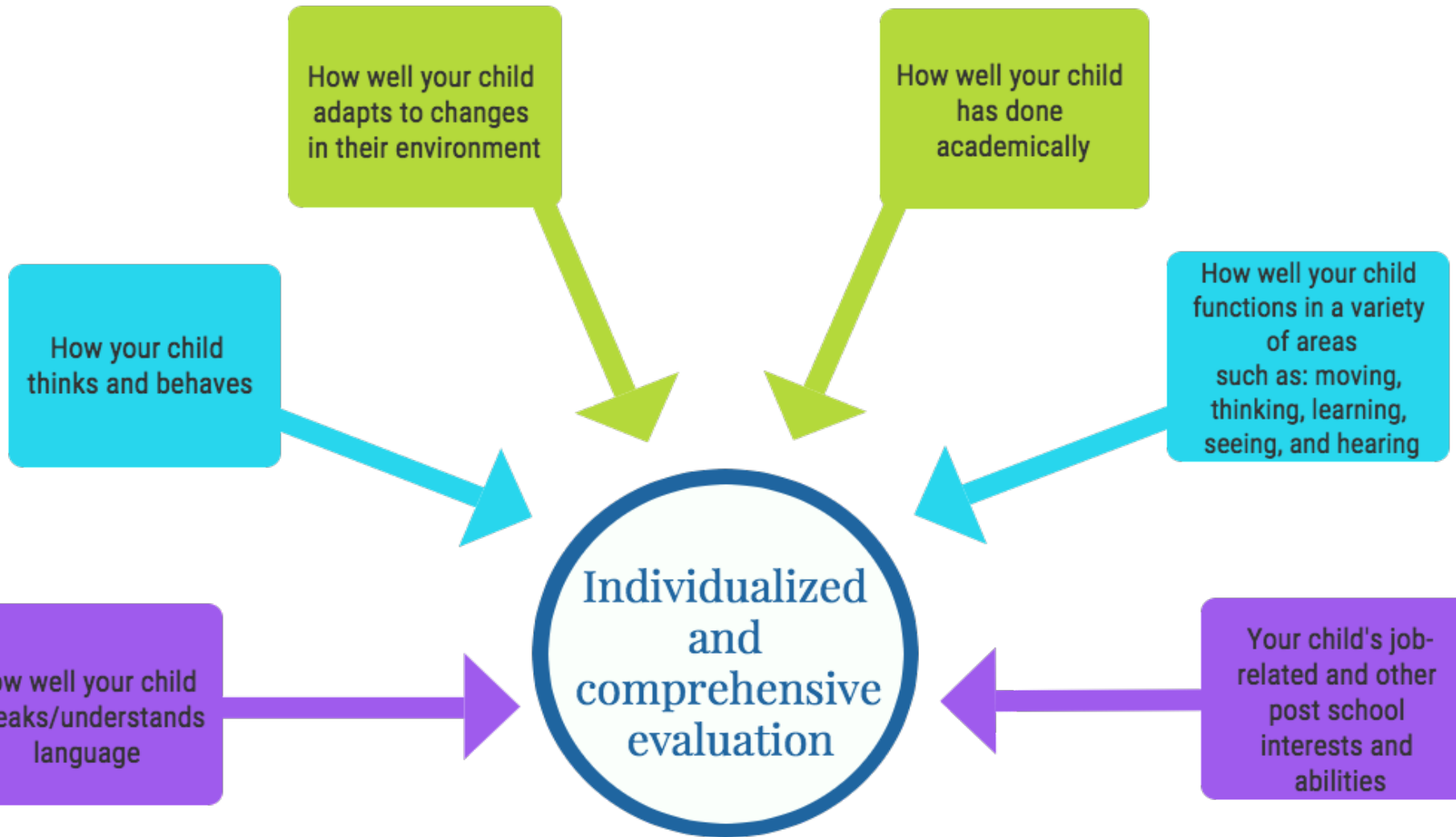
Special Education Process: IEPs

- Referral
- Evaluation
- Eligibility Determination
- IEP Development
- Placement Determination
- Annual Review
- Re-Evaluation
- Exit/Graduation

IEP: Evaluation



IEP: Evaluation

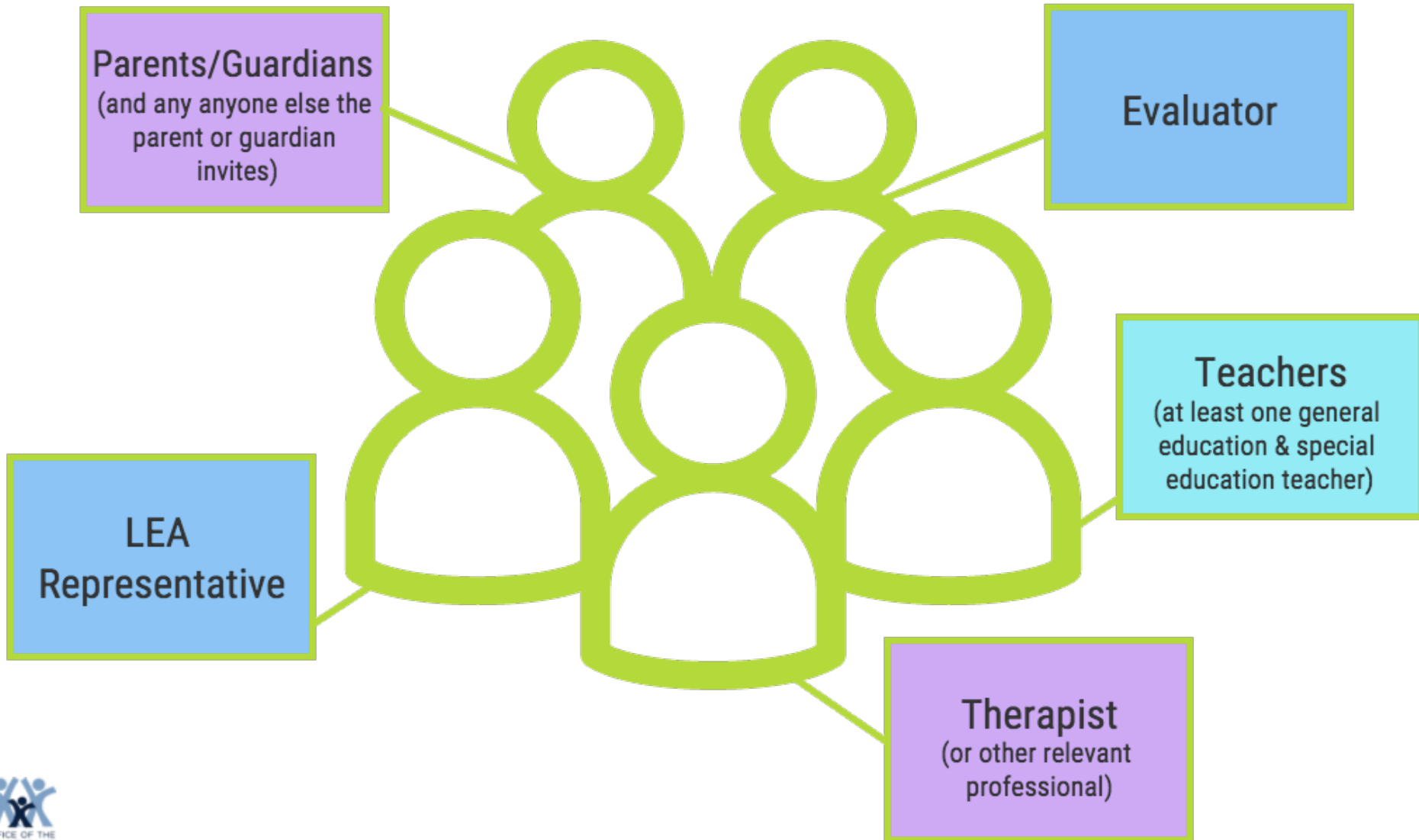


Determining IEP Eligibility

After the evaluation has occurred, the IEP Team will meet to discuss the evaluation in an Eligibility Meeting.

The school must provide parents with copies of evaluations five (5) business days before the IEP meeting.

Determining Eligibility: IEP Team



What is an IEP?

An IEP, or Individualized Education Program, is a written document that describes the educational program to meet a child's individual needs.

The IEP has two purposes:

1. Set learning goals for your child.
2. State supports and services that the school district will provide for your child.

What's in the IEP?



current academic and functional performance



annual goals



special education and related services



time spent in general education setting



dates and location of services



assessment participation and accommodations/modifications



how progress will be measured



transition services (post-secondary)

IEP Implementation for Transfer Students

As students transfer from LEA to LEA, there are certain procedures and timelines for the development and implementation of IEPs.

Transferring Before Initial Evaluation

If a student enrolls in a new LEA after being identified, **the new LEA has Child Find obligations**, using the date from the previous LEA as the start date for the evaluation timeline.

Transferring During Initial Evaluation

If a student enrolls in a new LEA after the previous LEA started the process of conducting an initial evaluation, both **the previous LEA and the new LEA will coordinate efforts to ensure completion of a full evaluation within DC's evaluation timeline.**

Transferring an Existing IEP

If a student is transferring from one LEA to another within the District of Columbia, the new LEA has **30 calendar days of enrollment to either adopt the student's IEP or to develop a new one. If the LEA chooses to develop a new IEP, it must be finalized within 60 days of enrollment.**

Your Right As a Parent

A parent or guardian has the right to refuse services, request changes to the IEP, or call an IEP Meeting.

Procedural Safeguards

IDEA provides an extensive range of procedural safeguards for parents should they believe that there has been a denial of FAPE.

- Formal Mediation
- State Complaint
- Due Process Complaint

As the state education agency, the Office of the State Superintendent of Education (OSSE)'s Office of Dispute Resolution helps ensure that schools do not violate federal and local special education law. Parents may file a complaint with OSSE to initiate an investigation of potential denial of FAPE.

Introduction: Our Partners

Our Partners



DISTRICT OF COLUMBIA
PUBLIC SCHOOLS

Early Stages

Website: <https://www.earlystagesdc.org/>

Email: info@earlystagesdc.org

Phone: 202-698-8037

Section 504 and Student Accommodations Team

Website: <https://dcps.dc.gov/page/section-504>

Email: 504@dc.gov

Phone: 202-442-5471

Division of Specialized Instruction

Website: <https://dcps.dc.gov/specialeducation>

Email: dcps.specialed@dc.gov

Phone: 202-442-9929



Strong Start

Website: <https://osse.dc.gov/node/151>

Phone: 202-727-3665

State Complaints Office

Website:

<https://osse.dc.gov/service/specialized-education-state-complaints>

Phone: 202-742-7860

Office of Dispute Resolution

Website: <https://osse.dc.gov/service/office-dispute-resolution-odr>

Email: hearing.office@dc.gov

Phone: 202-698-3819

State Advisory Panel on Special Education

Website:

<https://osse.dc.gov/service/state-advisory-panel-sap-special-education-district-columbia>

Our Partners



Advocates for Justice & Education

Website: www.aje-dc.org

Phone: 202-678-8060



Children's Law Center

Website: www.childrenslawcenter.org

Phone: 202-467-4900



Disability Rights DC at University Legal Services

Website: www.uls-dc.org

Phone: 202-547-0198

Our Partners



DC Special Education Cooperative

Website: <http://specialedcoop.org/coop>

Email: info@specialedcoop.org

Phone: 202-656-2667



DCASE

District of Columbia
Association for Special Education

District of Columbia Association for Special Education

Website: <http://dcase.org>

Phone: 202-615-3070

DC Office of the
Ombudsman
for Public Education



Office of the Ombudsman for Public Education

Intake Hotline: 202-741-0886

Email: ombudsman@dc.gov

Website: <https://sboe.dc.gov/ombudsman>

Questions & Next Steps



OFFICE OF THE
STUDENT
ADVOCATE

studentadvocate.dc.gov

To access this presentation or any of our special education resources, visit our website. All are available under the *Information & Advocacy Resources and Tools* tab.



SPECIAL EDUCATION &
SCHOOL SUPPORTS



REQUESTS FOR
ASSISTANCE

202-741-4692

Call our office Monday-Friday from 9 am to 5 pm for additional support around special education questions or any other public education concerns.